

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| First Named Inventor: John Cooper | DECLARATION OF JARED S. GOFF IN SUPPORT OF RENEWED PETITION UNDER 37 CFR 1.137(b) |
| Application No.: 10690785 | |
| Title: Apparatus and Methods for Removing Mercury from Fluid Streams | |
| Application Filing Date: 10/21/03 | |
| Examiner: DUONG, THANH P | |
| Art Unit: 1764 | |
| Confirmation No.: 5612 | |

Mail Stop PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

1. My name is Jared S. Goff. I am over 18 years of age, and I have personal knowledge of the facts and events as stated below.
2. I currently represent Cooper Environmental Services, LLC (CES), the assignee of the application identified above (the '785 Application). On information and belief, CES would have been the party having the right to reply to avoid abandonment of the '785 Application on January 6, 2005, and CES was represented by Mr. Glenn Brown in this matter from that time until about February 2008, when I began representing CES in this matter.
3. On information and belief, Mr. Brown supplied his files related to CES matters to Ms. Kary Pratt, and Ms. Pratt forwarded those files to Mr. John Cooper at CES. I have reviewed the files in Mr. Cooper's possession that appeared to be Mr. Brown's files. Those files included no indication that Mr. Brown informed anyone at CES that the '785 Application was going to be abandoned, or that it had gone abandoned.

4. After learning in February 2008 that the '785 Application had been ruled abandoned by the U.S. Patent and Trademark Office, I represented CES in proceeding to file a petition to revive the '785 Application as soon as possible. That petition was mailed on March 4, 2008.
5. It does not appear that CES will be able to obtain a declaration from Mr. Brown on this matter. On information and belief, Mr. Brown is incapacitated and has been suspended from the practice of law in the state of Oregon, and Mr. Brown is the subject of an ongoing ethics investigation related to his inaction with regard to his client matters. I have attached as Exhibit A hereto a copy of a letter I received from Ms. Jane Angus, Assistant Disciplinary Counsel with the Oregon State Bar Association, describing the disciplinary actions against Mr. Brown. Exhibit A also includes copies of two disciplinary complaints against Mr. Brown that were enclosed in Ms. Angus's letter.
6. I attempted to call Mr. Brown at the number listed for him with the Oregon State Bar Association, and heard a recording saying that the number had been disconnected or was no longer in service.
7. I declare that the above statements made on personal knowledge are true, that all statements made on information and belief are believed to be true, and that the above statements are made with knowledge that making willful, false statements or the like is punishable by fine, imprisonment, or both under 18 U.S.C. § 1001 and may jeopardize the validity of the application or any patent issuing thereon.

Date: October 21, 2008

/Jared S. Goff/

Jared S. Goff

Atty. No. 44,716

EXHIBIT A

October 20, 2008

Jared S. Goff, Esq.
Goff Patent Law
8000 NE Parkway Drive, Suite 200
Vancouver, WA 98662

Re: In re Conduct of Glenn C. Brown

Prosecution I: Case Nos. 08-44, 08-45, 08-46, 08-47, 08-48,
08-49, 08-50, 08-51, and 08-52

Prosecution II: Case Nos. 08-90, 08-91, 08-92

Prosecution III: Case Nos. 08-128, 08-129m 08-130

Dear Mr. Goff:

Pursuant to your request, I enclose a copy of the Formal Complaints in Prosecution I and Prosecution II above.

The State Professional Responsibility Board authorized the filing of a formal complaint concerning 3 matters (Prosecution III) at its October 20, 2008 meeting. Mr. Brown will be charged with violations of DR 6-101(B) and RPC 1.3 [neglect]; RPC 1.4(a) [failure to keep client reasonably informed, failure to promptly comply with reasonable requests for information]; DR 9-101(A) and RPC 1.15-1(a), (c) [failure to deposit and maintain client funds in trust]; DR 9-101(C)(3) and RPC 1.15-1(a) [failure to prepare and maintain complete records of clients' funds]; DR 9-101(C)(3) and RPC 1.15-1(d) [failure to account for client's funds]; RPC 1.15-1(d) [failure to promptly deliver property the client is entitled to receive]; DR 2-110(B)(2) and RPC 1.16(a)(1) [failure to withdraw]; DR 2-110(A)(2) and RPC 1.16(d) [failure to perform obligations on termination of employment]; RPC 8.4(a)(3) [dishonesty and misrepresentation]; RPC 8.4(a)(3) [dishonesty (conversion)]; and RPC 8.1(a)(2) [failure to respond to requests of disciplinary authority]. I am in the process of drafting that complaint, which will be served on Mr. Brown when it is filed with the Disciplinary Board clerk.

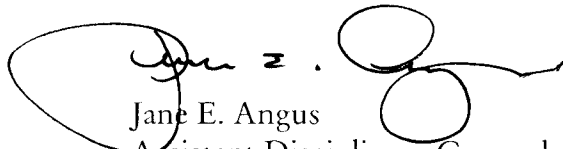
Letter to Jared S. Goff, Esq.
October 20, 2008
Page 2

Mr. Brown's license to practice law in Oregon has been suspended since April 15, 2008 for failing to pay his PLF (malpractice) assessment. Effective June 12, 2008, the Supreme Court granted the Bar's Petition for Immediate Suspension During the Pendency of Disciplinary Proceedings (BR 3.1).

Mr. Brown did not file answers to the Bar's Formal Complaints in Prosecutions I and II and orders of default have been entered against him. These cases are scheduled for a hearing to impose sanction on November 18, 2008 in Bend, Oregon. The Bar will be recommending that Mr. Brown be disbarred.

Please contact me with any questions you may have.

Very truly yours,



Jane E. Angus
Assistant Disciplinary Counsel
Extension 318

JEA/
Enclosures

IN THE SUPREME COURT
OF THE STATE OF OREGON

In re:)
)
Complaint as to the Conduct of) Case Nos. 08-44, 08-45, 08-46, 08-47,
) 08-48, 08-49, 08-50, 08-51,
GLENN C. BROWN,) and 08-52
)
Accused.) FORMAL COMPLAINT
)

For its FIRST CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

1.

The Oregon State Bar was created and exists by virtue of the laws of the State of Oregon and is, and at all times mentioned herein was, authorized to carry out the provisions of ORS Chapter 9, relating to the discipline of attorneys.

2.

The Accused, Glenn C. Brown, is, and at all times mentioned herein was, an attorney at law, duly admitted on September 27, 1991, by the Supreme Court of the State of Oregon to practice law in this state, and a member of the Oregon State Bar, having his office and place of business in the County of Deschutes, State of Oregon.

Case No. 08-44
Heames Matter

3.

About April 2004, Scott Heames retained and paid the Accused to conduct a product search before filing trademark and patent applications with the US Patent & Trademark Office (hereinafter, “USPTO”). About May 2004, the Accused represented to Heames that the product

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1 search and name were clear and that Heames could proceed with the patent and trademark
2 applications, and to manufacture and market his product.

3 4.

4 Heames paid the Accused to prepare and file the provisional patent and trademark
5 applications for the product. About June 9, 2004, the Accused filed Heames' provisional patent
6 application with the USPTO. About January 3, 2005, the Accused filed Heames' trademark
7 application. Heames proceeded to manufacture and market his product using the trademark
8 name.

9 5.

10 In May 2005, Heames arranged for the Accused to file the non-provisional patent
11 application and paid him in advance for the services and for graphics for the application. About
12 June 8, 2005, the Accused filed Heames' non-provisional patent application.

13 6.

14 About September 6, 2005, the USPTO notified the Accused that Heames' trademark
15 name was an existing trademark registered by another as of 2002. The Accused offered to file
16 another trademark application for Heames. About December 2005, the Accused filed another
17 trademark application for Heames.

18 7.

19 In and between 2006 and 2007, the USPTO sent notices to the Accused concerning the
20 patent and trademark applications. The Accused did not respond and the trademark and patent
21 applications were deemed abandoned.

22 8.

23 About March 2007, Heames discovered that his patent and trademark applications had
24 been abandoned. Heames notified the Accused and asked him for an explanation. About two

25 ///

1 weeks later the Accused represented to Heames that he would immediately take action to revive
2 the applications and would provide Heames with copies of the documents.

3 9.

4 In and between about 2006 and October 2007, the Accused:

5 (a) did not respond to USPTO's notices concerning the patent and trademark
6 applications;

7 (b) did not take action to protect Heames' interests and his patent and trademark
8 applications;

9 (c) did not take action to attempt to revive the patent and trademark applications;

10 (d) did not keep Heames reasonably informed about the status of his patent and
11 trademark applications;

12 (e) did not provide Heames with copies of the USPTO's notices;

13 (f) did not respond or timely respond to Heames' requests for information;

14 (g) did not adequately monitor Heames' case; and

15 (h) did not withdraw when his continued representation would result in violation of
16 the Rules of Professional Conduct.

17 10.

18 In late October 2007, Heames terminated the Accused's representation and requested that
19 the Accused provide him with his complete file. As of January 1, 2008, the Accused did not
20 deliver Heames' file or otherwise communicate with Heames.

21 11.

22 The Accused failed to take reasonable steps to protect Heames' interests, including
23 giving reasonable notice to Heames, surrendering all papers and property to which Heames was
24 entitled, and refunding all unearned fees paid for services the Accused did not perform.

25 ///

12.

The aforesaid conduct of the Accused constituted neglect of a legal matter entrusted to him; failure to keep a client reasonably informed and failure to comply with a client's requests for information; failure to promptly deliver property the client is entitled to receive as requested by the client; failure to withdraw when his continued representation would result in violation of the Rules of Professional Conduct; and failure to comply with obligations on termination of employment, in violation of the following standards of professional conduct established by law and by the Oregon State Bar:

- (a) RPC 1.3;
- (b) RPC 1.4(a);
- (c) RPC 1.15-1(d);
- (d) RPC 1.16(a)(1); and
- (e) RPC 1.16(d).

AND, for its SECOND CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

13.

Realleges and incorporates by reference the allegations of paragraphs 1 through 11 of its First Cause of Complaint as if fully set forth herein.

14.

About December 3, 2007, Heames brought his concerns to the attention of the Client Assistance Office of the Bar (hereinafter, "CAO"). On December 7, 2007, CAO referred the complaint to Disciplinary Counsel Office (hereinafter, "DCO") for investigation.

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15.

On December 10, 2007, DCO requested the Accused's explanation and the production of certain documents by December 31, 2007. On December 28, 2007, a lawyer representing the Accused requested an extension of time until January 18, 2008, for the Accused to provide his response to DCO's December 10, 2007 requests. DCO granted the request.

16.

On January 18, 2008, the Accused submitted a response to DCO's requests, but failed to produce all of the documents requested by DCO. On January 29, 2008, DCO again requested additional information and the production of the documents requested in the Bar's December 10, 2007 letter. The Accused did not respond.

17.

On February 15, 2008, DCO again requested the Accused's complete explanation and the production of documents by February 22, 2008. The Accused did not respond. On March 5, 2008, DCO again requested the Accused's response by March 12, 2008. The Accused did not respond.

18.

While the subject of a disciplinary investigation, the Accused failed to respond to lawful demands for information from the disciplinary authority, which is empowered to investigate or act on the conduct of lawyers.

19.

The aforesaid conduct of the Accused violated the following standard of professional conduct established by law and by the Oregon State Bar:

(a) RPC 8.1(a)(2) of the Rules of Professional Conduct.

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1 AND, for its THIRD CAUSE OF COMPLAINT against the Accused, the Oregon State
2 Bar alleges:

3 Case No. 08-45
4 Capps/Seigel Matter

5 20.

6 Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First
7 Cause of Complaint as if fully set forth herein.

8 21.

9 In or about February 2005, Joan Siegel and Sally Holan (hereinafter, collectively
10 “Siegel”) retained the Accused to provide services related to the formation of a limited liability
11 company (hereinafter, “LLC”) and filing of a trademark application. The Accused required and
12 Siegel paid a \$1,500 retainer for services to be performed, which amount included \$685 for
13 registration of the trademark with the USPTO.

14 22.

15 In and between about March 2005 and October 2007, the Accused:

- 16 (a) did not file Siegel’s trademark application;
17 (b) did not notify Siegel that he had not filed the trademark application;
18 (c) did not adequately monitor Siegel’s case;
19 (d) did not keep Siegel reasonably informed about the status of her legal matters;
20 (e) did not take action to avoid administrative dissolution of the LLC;
21 (f) did not notify Siegel that the LLC had been administratively dissolved;
22 (g) did not respond or timely respond to Siegel’s requests for information;
23 (h) did not account for the funds delivered to him for legal services; and
24 (i) did not withdraw when his continued representation would result in violation of
25 the Rules of Professional Conduct.

1 23.

2 During the representation, Siegel provided the Accused with a label bearing the
3 trademark name and logo proposed for the product. The Accused expressed or implied to Siegel
4 that the label was satisfactory and led Siegel to believe that the trademark name had been
5 registered with the USPTO.

6 24.

7 The Accused's representations described in paragraph 23 were false and misleading and
8 the Accused knew they were false and misleading at the time he made them. The Accused did
9 not disclose to Siegel that he had not registered the trademark name. Based on the Accused's
10 representations, Siegel proceeded to use and market their product using the trademark name.

11 25.

12 The Accused constructively terminated his representation. The Accused failed to give
13 reasonable notice to Siegel; failed to surrender all papers and property to which Siegel was
14 entitled; and failed to refund the unearned balance of the retainer paid to the Accused.

15 26.

16 About November 2007, Siegel retained William Capps (hereinafter, "Capps") to
17 represent their interests. About November 1, 2007, Capps requested that the Accused
18 immediately deliver Siegel's files. On November 12, 2007, Capps made a second request for the
19 files. On November 30, 2007, Capps sent the Accused a third request for the files. The Accused
20 failed to promptly deliver Siegel's files and otherwise failed to communicate with Capps
21 concerning the requests.

22 27.

23 The aforesaid conduct of the Accused constituted neglect of a legal matter entrusted to
24 him; failure to keep a client reasonably informed and failure to comply with a client's requests
25 for information; failure to promptly deliver property the client is entitled to receive; failure to

1 withdraw when his continued representation would result in violation of the Rules of
2 Professional Conduct; failure to comply with obligations on termination of employment; and
3 dishonesty or misrepresentation, in violation of the following standards of professional conduct
4 established by law and by the Oregon State Bar:

5 (a) RPC 1.3;

6 (b) RPC 1.4(a);

7 (c) RPC 1.15-1(d);

8 (d) RPC 1.16(a)(1);

9 (e) RPC 1.16(d);

10 (f) RPC 8.4(a)(3) of the Rules of Professional Conduct.

11
12 AND, for its FOURTH CAUSE OF COMPLAINT against the Accused, the Oregon State
13 Bar alleges:

14 28.

15 Realleges and incorporates by reference the allegations of paragraphs 20 through 26 of its
16 Third Cause of Complaint as if fully set forth herein.

17 29.

18 About December 4, 2007, Capps, on behalf of Siegel, brought their concerns to the attention
19 of the Client Assistance Office of the Bar (hereinafter, "CAO"). On December 12, 2007, CAO
20 referred the complaint to Disciplinary Counsel Office (hereinafter, "DCO") for investigation. On
21 December 13, 2007, DCO requested the Accused's explanation by January 3, 2008.

22 30.

23 On December 28, 2007, a lawyer representing the Accused requested an extension of time
24 until January 18, 2008, for the Accused to provide his response to DCO's December 12, 2007

25 ///

1 requests. DCO granted the request. The Accused failed to submit an explanation by January 18,
2 2008.

3 31.

4 On January 23, 2008, DCO again requested the Accused's complete explanation by
5 January 30, 2008. On January 24, 2008, DCO received a letter dated January 18, 2008 from the
6 Accused in response to DCO's request for his explanation. The response was incomplete.

7 32.

8 In his January 18, 2008 letter to DCO, the Accused represented that he had delivered all
9 of Siegel's files to Capps. The Accused failed to disclose facts necessary to correct a
10 misapprehension known by the Accused to have arisen by his representation. The Accused did
11 not disclose that he had not delivered all of Siegel's files to Capps.

12 33.

13 On February 8, 2008, DCO again requested the Accused's complete explanation, the
14 production of certain documents, and his response to questions by February 18, 2008. The
15 Accused did not respond. On February 12, 2008, the Accused's attorney notified DCO that he no
16 longer represented the Accused. The Accused did not respond to DCO's January 23, and
17 February 8, 2008 requests.

18 34.

19 On March 5, 2008, DCO again requested the Accused's response to its previous
20 correspondence and requests by March 12, 2008. The Accused did not respond.

21 35.

22 While the subject of a disciplinary investigation, the Accused failed to disclose facts
23 necessary to correct a misapprehension known by the Accused to have arisen in the matter, and
24 failed to respond to lawful demands for information from the disciplinary authority, which is
25 empowered to investigate or act on the conduct of lawyers.

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36.

The aforesaid conduct of the Accused violated the following standard of professional conduct established by law and by the Oregon State Bar:

(a) RPC 8.1(a)(2) of the Rules of Professional Conduct.

AND, for its FIFTH CAUSE of Complaint against the Accused, the Oregon State Bar alleges:

Case No. 08-46
Johnston Matter

37.

Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First Cause of Complaint.

38.

David Johnston (hereinafter, "Johnston") doing business as Deschutes River Mfg., Inc., retained the Accused concerning trademark and United States and foreign patent applications and related services.

39.

The Accused filed USPTO patent and trademark applications and a Patent Cooperation Treaty (hereinafter, "PCT") application for Johnston's invention.

40.

The Accused failed to conduct a search or adequate search for Johnston's trademark name. In about July 2003, Johnston received a letter from an attorney for Elkhart Brass that alleged that Deschutes River Mfg., Inc. had infringed on its trademark name. In July 2004, the Accused filed another trademark application for Johnston.

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1 41.

2 In and between about 2005 and 2007, the Accused:

- 3 (a) did not respond or timely respond to Johnston's requests for information;
4 (b) did not respond to USPTO's and PCT's notices;
5 (c) did not respond to his Canadian associate's requests for information and action;
6 (d) did not notify Johnston of USPTO's, PCT's, and his Canadian associate's
7 requests for information and action;
8 (e) did not adequately monitor Johnston's case;
9 (f) did not keep Johnston reasonably informed about the status of legal matters;
10 (g) did not take action to protect Johnston's interests;
11 (h) did not withdraw when his continued representation would result in violation of
12 the Rules of Professional Conduct.

13 42.

14 During the representation, the Accused expressed or implied that he had taken actions to
15 protect Johnston's interests. The Accused's representations were false and misleading. The
16 Accused did not disclose material information to Johnston concerning the applications and his
17 inaction.

18 43.

19 About November 7, 2007, Johnston terminated the Accused's representation and
20 requested his complete file. The Accused did not respond.

21 44.

22 The Accused failed to take reasonable steps to protect Johnston's interests, including
23 giving reasonable notice to Johnston, surrendering all papers and property to which Johnston was
24 entitled, and refunding all unearned fees paid for services the Accused did not perform.

25 ///

1 45.

2 The aforesaid conduct of the Accused constituted neglect of a legal matter entrusted to
3 him; failure to keep a client reasonably informed and failure to comply with a client's requests
4 for information; failure to promptly deliver property the client is entitled to receive; failure to
5 withdraw when his continued representation would result in violation of the Rules of
6 Professional Conduct; failure to comply with obligations on termination of employment; and
7 dishonesty or misrepresentation, in violation of the following standards of professional conduct
8 established by law and by the Oregon State Bar:

9 (a) RPC 1.3;

10 (b) RPC 1.4(a);

11 (c) RPC 1.15-1(d);

12 (d) RPC 1.16(a)(1);

13 (e) RPC 1.16(d); and

14 (f) RPC 8.4(a)(3) of the Rules of Professional Conduct.

15
16 AND, for its SIXTH CAUSE OF COMPLAINT against the Accused, the Oregon State
17 Bar alleges:

18 46.

19 Realleges and incorporates by reference the allegations of paragraphs 37 through 44 of its
20 Fifth Cause of Complaint as if fully set forth herein.

21 47.

22 About November 2007, Johnston brought his concerns to the attention of the Client
23 Assistance Office of the Bar (hereinafter, "CAO"). On November 7, 2007, CAO attempted to
24 communicate with the Accused. The Accused did not respond.

25 ///

1 48.

2 On November 30, 2007, CAO requested the Accused's explanation by December 12,
3 2007. The Accused did not respond, and on December 20, 2007, referred Johnston's complaint to
4 Disciplinary Counsel Office (hereinafter, "DCO") for investigation.

5 49.

6 On December 28, 2007, a lawyer representing the Accused requested an extension of time
7 until January 18, 2008, for the Accused to provide his explanation. DCO granted the request.

8 50.

9 On January 3, 2008, DCO requested the Accused's explanation, his production of
10 documents, and response to questions by January 24, 2008. The Accused did not submit his
11 response by January 24, 2008. On January 25, 2008, the Accused's attorney requested an extension
12 of time until February 1, 2008, for the Accused to respond. DCO granted the request with the
13 understanding that the Accused would provide a complete explanation concerning his conduct and
14 would produce all of the documents that had been requested.

15 51.

16 On February 4, 2008, DCO received a response to DCO's request for explanation
17 concerning his conduct. The Accused's response was not complete. The Accused also failed to
18 produce all documents previously requested by DCO.

19 52.

20 On February 6, 2008, DCO requested additional information from the Accused and the
21 production of documents requested by DCO by February 15, 2008. On February 12, 2008, the
22 Accused's attorney notified that he no longer represented the Accused. The Accused did not
23 respond to DCO's February 6, 2008 requests.

24 ///

25 ///

1 53.

2 On February 15, 2008, DCO again requested the Accused's response to its previous
3 requests by February 22, 2008. The Accused did not respond. On March 5, 2008, DCO again
4 requested the Accused response to its requests by March 12, 2008. The Accused did not respond.

5 54.

6 While the subject of a disciplinary investigation, the Accused failed to respond to lawful
7 demands for information from the disciplinary authority, which is empowered to investigate or
8 act on the conduct of lawyers.

9 55.

10 The aforesaid conduct of the Accused violated the following standard of professional
11 conduct established by law and by the Oregon State Bar:

12 (a) RPC 8.1(a)(2) of the Rules of Professional Conduct.

13

14 AND, for its SEVENTH CAUSE OF COMPLAINT against the Accused, the Oregon
15 State Bar alleges:

16 Case No. 08-47
17 Fowles Matter

18 56.

19 Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First
20 Cause of Complaint.

21 57.

22 In or about July 2005, Brian Fowles (hereinafter, "Fowles") retained the Accused to file
23 patent applications and for related services concerning his invention. Thereafter, the Accused
24 filed the US and foreign patent applications.

25 ///

1 58.

2 On or about March 6, 2006, Fowles' patent application was deemed abandoned for
3 failure to respond to USPTO's office action. In or about May 2007, the Accused filed a petition
4 to revive Fowles' patent application. On or about September 21, 2007, Fowles' patent
5 application was again deemed abandoned for failure to correct drawings and other requirements.

6 59.

7 In and between about March 2006 and December 2007, the Accused:

- 8 (a) did not respond to USPTO's notices and requests for information and action;
- 9 (b) allowed Fowles' patent application to lapse or be deemed abandoned;
- 10 (c) did not take action or timely take action to avoid the abandonment of the patent
11 application;
- 12 (d) did not adequately monitor Fowles' case;
- 13 (e) did not keep Fowles reasonably informed about the status of his legal matter;
- 14 (f) did not communicate or adequately communicate with Fowles concerning
15 USPTO's actions and requirements;
- 16 (g) did not withdraw when his continued representation would result in violation of
17 the Rules of Professional Conduct.

18 60.

19 In or about December 2007, Fowles terminated the Accused's representation and
20 requested his complete file. The Accused did not respond. The Accused failed to take reasonable
21 steps to protect Fowles' interests, including surrendering all papers and property to which Fowles
22 was entitled, and refunding all unearned fees paid for services the Accused did not perform.

23 61.

24 The aforesaid conduct of the Accused constituted neglect of a legal matter entrusted to
25 him; failure to keep a client reasonably informed and failure to comply with a client's requests

1 for information; failure to promptly deliver property the client is entitled to receive; failure to
2 withdraw when his continued representation would result in violation of the Rules of
3 Professional Conduct; and failure to comply with obligations on termination of employment, in
4 violation of the following standards of professional conduct established by law and by the
5 Oregon State Bar:

6 (a) RPC 1.3;

7 (b) RPC 1.4(a);

8 (c) RPC 1.15-1(d);

9 (d) RPC 1.16(a)(1);

10 (e) RPC 1.16(d) of the Rules of Professional Conduct.

11
12 AND, for its EIGHTH CAUSE OF COMPLAINT against the Accused, the Oregon State
13 Bar alleges:

14 62.

15 Realleges and incorporates by reference the allegations of paragraphs 56 through 60 of its
16 Seventh Cause of Complaint as if fully set forth herein.

17 63.

18 About December 14, 2007, Fowles brought his concerns to the attention of the Client
19 Assistance Office of the Bar (hereinafter, "CAO"). On December 27, 2007, CAO referred
20 Fowles' complaint to Disciplinary Counsel Office (hereinafter, "DCO") for investigation.

21 64.

22 On December 28, 2007, a lawyer representing the Accused requested an extension of time
23 until January 18, 2008, for the Accused to provide his explanation. DCO granted the request.

24 ///

25 ///

1 65.

2 On January 3, 2008, DCO requested the Accused's explanation, his production of
3 documents, and response to questions by January 24, 2008. The Accused did not submit his
4 response by January 24, 2008. On January 25, 2008, the Accused's attorney requested an extension
5 of time until February 1, 2008, for the Accused to respond. DCO granted the request with the
6 understanding that the Accused would provided a complete explanation concerning his conduct and
7 would produce all of the documents that had been requested.

8 66.

9 On February 4, 2008, DCO received the Accused's response to DCO's January 3, 2008
10 request for explanation concerning his conduct. The Accused failed to provide a complete response
11 and failed to produce all documents requested by DCO.

12 67.

13 On February 5, 2008, DCO requested additional information from the Accused and his
14 production of documents previously requested by DCO by February 15, 2008. On February 12,
15 2008, the Accused's attorney notified that he no longer represented the Accused. The Accused
16 did not respond to DCO's February 5, 2008 requests.

17 68.

18 On February 15, 2008, DCO again requested the Accused's response to its previous
19 requests by February 22, 2008. The Accused did not respond. On March 5, 2008, DCO again
20 requested the Accused response to its requests by March 12, 2008. The Accused did not respond.

21 69.

22 While the subject of a disciplinary investigation, the Accused failed to respond to lawful
23 demands for information from the disciplinary authority, which is empowered to investigate or
24 act on the conduct of lawyers.

25 ///

1 70.

2 The aforesaid conduct of the Accused violated the following standard of professional
3 conduct established by law and by the Oregon State Bar:

4 (a) RPC 8.1(a)(2) of the Rules of Professional Conduct.
5

6 AND, for its NINTH CAUSE OF COMPLAINT against the Accused, the Oregon State
7 Bar alleges:

8 Case No. 08-48
9 Hauck Matter

10 71.

11 Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First
12 Cause of Complaint.

13 72.

14 In early 2006, Hauck retained the Accused to file United States and European patent
15 applications for his invention. Thereafter, the Accused reported to Hauck that he had filed the
16 applications. The Accused failed to follow through and failed to respond to notices concerning
17 the applications.

18 73.

19 Thereafter, the US application was rejected, subject to the opportunity to submit a reply
20 for further consideration of application.

21 74.

22 In and between about 2006 and 2007, the Accused:

- 23 (a) did not respond or timely respond to Hauck's requests for information;
24 (b) did not respond to USPTO's and European Patent Office's notices;
25 (c) did not adequately monitor Hauck's applications;

- 1 (d) did not keep Hauck reasonably informed;
2 (e) did not take action to protect Hauck's interests;
3 (f) did not inform Hauck that he had not filed the reply concerning the notices;
4 (g) did not inform Hauck that the US patent had been deemed abandoned due to the
5 Accused's failure to respond and comply with USPTO notices;
6 (h) did not withdraw when his continued representation would result in violation of
7 the Rules of Professional Conduct.

8 75.

9 During the representation, the Accused expressed or implied that he had taken actions to
10 protect Hauck's interests. The Accused's representations were false and misleading. The Accused
11 did not disclose material information to Hauck concerning the applications and his inaction.

12 76.

13 The Accused constructively terminated the representation. The Accused failed to take
14 reasonable steps to protect Hauck's interests, including giving reasonable notice to Hauck, and
15 surrendering all papers and property to which Hauck was entitled.

16 77.

17 The aforesaid conduct of the Accused constituted neglect of a legal matter entrusted to
18 him; failure to keep a client reasonably informed and failure to comply with a client's requests
19 for information; failure to promptly deliver property the client is entitled to receive; failure to
20 withdraw when his continued representation would result in violation of the Rules of
21 Professional Conduct; failure to comply with obligations on termination of employment; and
22 dishonesty or misrepresentation, in violation of the following standards of professional conduct
23 established by law and by the Oregon State Bar:

- 24 (a) RPC 1.3;
25 (b) RPC 1.4(a);

- 1 (c) RPC 1.16(a)(1);
2 (d) RPC 1.16(d); and
3 (e) RPC 8.4(a)(3) of the Rules of Professional Conduct.
4

5 AND, for its TENTH CAUSE OF COMPLAINT against the Accused, the Oregon State
6 Bar alleges:

7 78.

8 Realleges and incorporates by reference the allegations of paragraphs 71 through 76 of its
9 Ninth Cause of Complaint as if fully set forth herein.

10 79.

11 About January 22, 2008, Hauck brought his concerns to the attention of the Client
12 Assistance Office of the Bar (hereinafter, "CAO"). On February 5, 2008, CAO referred Hauck's
13 complaint to Disciplinary Counsel Office (hereinafter, "DCO") for investigation.

14 80.

15 On February 6, 2008, DCO requested the Accused's explanation and his production of
16 certain documents by February 27, 2008. The Accused did not respond.

17 81.

18 On March 5, 2008, DCO again requested the Accused's response to its previous
19 correspondence and requests by March 12, 2008. The Accused did not respond.

20 82.

21 While the subject of a disciplinary investigation, the Accused failed to respond to lawful
22 demands for information from the disciplinary authority, which is empowered to investigate or
23 act on the conduct of lawyers.

24 ///

25 ///

1 83.

2 The aforesaid conduct of the Accused violated the following standard of professional
3 conduct established by law and by the Oregon State Bar:

4 (a) RPC 8.1(a)(2) of the Rules of Professional Conduct.
5

6 AND, for its ELEVENTH CAUSE OF COMPLAINT against the Accused, the Oregon
7 State Bar alleges:

8 Case No. 08-49
9 Cooper Matter

10 84.

11 Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First
12 Cause of Complaint.

13 85.

14 In or about 2003, Richard Cooper (hereinafter, "Cooper") retained the Accused to file
15 trademark and patent applications and to provide related services.

16 86.

17 In or about 2006, the Accused filed Cooper's provisional US and International patent
18 applications for Cooper. The Accused filed Cooper's trademark applications.

19 87.

20 In and between about 2006 and 2007, the Accused:

21 (a) did not respond or timely respond to Cooper's requests for information and
22 action;

23 (b) did not keep Cooper reasonably informed about the status of his patent and
24 trademark applications;

25 ///

1 (c) did not withdraw when his continued representation would result in violation of
2 the Rules of Professional Conduct.

3 88.

4 The Accused constructively terminated the representation without taking steps to the
5 extent reasonable practicable to protect Cooper's interests, including giving reasonable notice to
6 Cooper, and surrendering Cooper's files and papers to Cooper.

7 89.

8 The aforesaid conduct of the Accused constituted failure to keep a client reasonably
9 informed and failure to comply with a client's requests for information; failure to withdraw when
10 continued employment will result in violation of the Rules of Professional Conduct; and failure
11 to comply with obligations on termination of employment, in violation of the following standards
12 of professional conduct established by law and by the Oregon State Bar:

13 (a) RPC 1.4(a);

14 (b) RPC 1.16(a)(1); and

15 (c) RPC 1.16(d) of the Rules of Professional Conduct.

16
17 AND, for its TWELFTH CAUSE OF COMPLAINT against the Accused, the Oregon
18 State Bar alleges:

19 90.

20 Realleges and incorporates by reference the allegations of paragraphs 84 through 88 of its
21 Eleventh Cause of Complaint as if fully set forth herein.

22 91.

23 About January 14, 2008, Cooper brought his concerns to the attention of the Client
24 Assistance Office of the Bar (hereinafter, "CAO"). On January 23, 2008, CAO requested the
25 Accused's explanation by February 13, 2008. The Accused did not respond. On February 13,

1 2008, CAO referred Cooper's complaint to Disciplinary Counsel Office (hereinafter, "DCO") for
2 investigation.

3 92.

4 On February 19, 2008, DCO requested the Accused's complete explanation, his production
5 of documents, and response to questions by March 11, 2008. The Accused did not respond. On
6 March 14, 2008, DCO again requested the Accused's response to its previous requests by March
7 21, 2008. The Accused did not respond.

8 93.

9 While the subject of a disciplinary investigation, the Accused failed to respond to lawful
10 demands for information from the disciplinary authority, which is empowered to investigate or
11 act on the conduct of lawyers.

12 94.

13 The aforesaid conduct of the Accused violated the following standard of professional
14 conduct established by law and by the Oregon State Bar:

15 (a) RPC 8.1(a)(2) of the Rules of Professional Conduct.

16
17 AND, for its THIRTEENTH CAUSE OF COMPLAINT against the Accused, the Oregon
18 State Bar alleges:

19 Case No. 08-50
20 Barclay Matter

21 95.

22 Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First
23 Cause of Complaint.

24 ///

25 ///

1 96.

2 About February 2006, Britt Barclay (hereinafter, "Barclay") consulted the Accused
3 concerning the filing of a patent application. Barclay paid the Accused to conduct a patent
4 search, to file a patent application, and to provide related services. In about June 2006, the
5 Accused filed Barclay's patent application with the USPTO. Thereafter, the Accused failed to
6 take action to protect Barclay's patent application and complete the patent application process.

7 97.

8 In October 2006, Barclay's copies of the patent application and related materials were
9 stolen, Barclay notified the Accused, and also asked the Accused to provide him with a copy of
10 the application and related drawings and other materials contained in the Accused's file.

11 98.

12 In and between about 2006 and February 2008, the Accused:

- 13 (a) did not respond or timely respond to Barclay's requests for information;
14 (b) did not respond to USPTO's notices;
15 (c) did not notify Barclay of USPTO's notices;
16 (d) did not adequately monitor Barclay's case;
17 (e) did not keep Barclay reasonably informed about the status of his patent
18 application;
19 (f) did not take action to protect Barclay's interests and patent application;
20 (g) did not withdraw when his continued representation would result in violation of
21 the Rules of Professional Conduct.

22 99.

23 The Accused constructively terminated the representation without taking steps to the
24 extent reasonably practicable to protect Barclay's interests, including giving reasonable notice to
25 Barclay, and surrendering Barclay's files and papers to Barclay.

100.

The aforesaid conduct of the Accused constituted neglect of a legal matter entrusted to him; failure to keep a client reasonably informed and failure to comply with a client's requests for information; failure to promptly deliver property the client is entitled to receive; failure to withdraw when his continued representation would result in violation of the Rules of Professional Conduct; and failure to comply with obligations on termination of employment, in violation of the following standards of professional conduct established by law and by the Oregon State Bar:

- (a) RPC 1.3;
- (b) RPC 1.4(a);
- (c) RPC 1.15-1(d);
- (d) RPC 1.16(a)(1); and
- (e) RPC 1.16(d) of the Rules of Professional Conduct.

AND, for its FOURTEENTH CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

101.

Realleges and incorporates by reference the allegations of paragraphs 95 through 99 of its Thirteenth Cause of Complaint as if fully set forth herein.

102.

About February 21, 2008, Barclay brought his concerns to the attention of the Client Assistance Office of the Bar (hereinafter, "CAO"). On February 21, 2008, CAO referred Barclay's complaint to Disciplinary Counsel Office (hereinafter, "DCO") for investigation.

///

///

103.

On February 28, 2008, DCO requested the Accused's explanation by March 7, 2008. The Accused did not respond. On March 14, 2008, DCO again requested the Accused's response to its previous request by March 21, 2008. The Accused did not respond.

104.

While the subject of a disciplinary investigation, the Accused failed to respond to lawful demands for information from the disciplinary authority, which is empowered to investigate or act on the conduct of lawyers.

105.

The aforesaid conduct of the Accused violated the following standard of professional conduct established by law and by the Oregon State Bar:

(a) RPC 8.1(a)(2) of the Rules of Professional Conduct.

AND, for its FIFTEENTH CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

Case No. 08-51
Paul Matter

106.

Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First Cause of Complaint.

107.

In or about 2003, Denise Paul (hereinafter, "Paul") retained the Accused to file United States and Canadian patent applications and to provide related services.

///

///

1 108.

2 The Accused and his Canadian associate filed Paul's US and Canadian patent and
3 trademark applications.

4 109.

5 In and between 2007 and February 2008, the Accused received notices and requests for
6 information from the USPTO and his Canadian associate concerning Paul's patent and trademark
7 applications, required actions, and required fees.

8 110.

9 In and between about 2007 and April 2008, the Accused:

- 10 (a) did not respond to USPTO's notices and requests for information and action;
11 (b) did not respond to a Canadian associate's requests for information and action;
12 (c) did not keep Paul reasonably informed or notify Paul of USPTO's and his
13 Canadian associate's requests for information and action;
14 (d) did not adequately monitor Paul's case;
15 (e) did not provide explanations reasonably necessary to permit Paul to make
16 informed decisions regarding the representation;
17 (f) did not take action to protect Paul's patent and trademark interests;
18 (g) did not withdraw when his continued representation would result in violation of
19 the Rules of Professional Conduct.

20 111.

21 The Accused constructively terminated the representation. The Accused failed to take
22 steps to the extent reasonably practicable to protect Paul's interests, including giving reasonable
23 notice to Paul and surrendering all papers and files to Paul.

24 ///

25 ///

112.

In or about March 2008, Paul requested a complete copy of her file from the Accused.
The Accused did not promptly respond.

113.

The aforesaid conduct of the Accused constituted neglect of a legal matter entrusted to him; failure to keep a client reasonably informed and failure to comply with a client's requests for information; failure to promptly deliver property the client is entitled to receive; failure to withdraw when his continued representation would result in violation of the Rules of Professional Conduct; and failure to comply with obligations on termination of employment, in violation of the following standards of professional conduct established by law and by the Oregon State Bar:

- (a) RPC 1.3;
- (b) RPC 1.4(a);
- (c) RPC 1.15-1(d);
- (d) RPC 1.16(a)(1); and
- (e) RPC 1.16(d) of the Rules of Professional Conduct.

AND, for its SIXTEENTH CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

114.

Realleges and incorporates by reference the allegations of paragraphs 106 through 111 of its Fifteenth Cause of Complaint as if fully set forth herein.

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1 115.

2 About January 16, 2008, Paul brought her concerns to the attention of the Client Assistance
3 Office of the Bar (hereinafter, "CAO"). On March 19, 2008, CAO referred Paul's complaint to
4 Disciplinary Counsel Office (hereinafter, "DCO") for investigation.

5 116.

6 On March 21, 2008, DCO requested the Accused's explanation and his production of certain
7 documents by April 11, 2008. The Accused did not respond.

8 117.

9 While the subject of a disciplinary investigation, the Accused failed to respond to lawful
10 demands for information from the disciplinary authority, which is empowered to investigate or
11 act on the conduct of lawyers.

12 118.

13 The aforesaid conduct of the Accused violated the following standard of professional
14 conduct established by law and by the Oregon State Bar:

15 (a) RPC 8.1(a)(2) of the Rules of Professional Conduct.

16
17 AND, for its SEVENTEENTH CAUSE OF COMPLAINT against the Accused, the
18 Oregon State Bar alleges:

19 Case No. 08-52
20 Barquinero Matter

21 119.

22 Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First
23 Cause of Complaint.

24 ///

25 ///

120.

On or about August 1, 2006, co-inventors Thomas Barquinero and William Smith (hereinafter, collectively “Barquinero”) filed a US provisional patent application for their invention with the USPTO. Prior to June 2007, Barquinero prepared the non-provisional US patent application, which had to be filed with the USPTO not later than one year after the date of filing of the provisional patent application.

121.

In June 2007, Barquinero retained the Accused to file the non-provisional US patent application with the USPTO by August 1, 2007, the one-year anniversary of the filing date of the provisional application, and for related services and advice.

122.

Barquinero delivered the non-provisional application to the Accused along with all other documents required for the submission of the application to the USPTO. The Accused assured Barquinero that the application would be timely filed.

123.

On August 1, 2007, the Accused filed a Patent Cooperation Treaty (“PCT”) application. The Accused did not file Barquinero’s non-provisional US patent application with the USPTO.

124.

Barquinero paid the Accused for services for the filing of the non-provisional patent application with the USPTO. Barquinero also delivered the necessary filing fee for the non-provisional application to the Accused for the Accused to deliver to the USPTO.

125.

In and between August 2007 and February 2008, the Accused received notices and requests for information from the US and PCT offices concerning Barquinero’s patent application and required fees.

126.

In and between August 2007 and February 2008, the Accused:

- (a) did not respond or timely respond to Barquinero's requests for information;
- (b) did not respond to USPTO's and PCT's notices and requests for information and action;
- (c) did not notify Barquinero of USPTO's and PCT's notices and requests for information and action;
- (d) did not pay the PCT filing fee;
- (e) did not adequately monitor Barquinero's case;
- (f) did not keep Barquinero reasonably informed concerning his legal matter;
- (g) did not take action to protect Barquinero's interests;
- (h) did not withdraw from the representation when his continued representation would result in violation of the Rules of Professional Conduct.

127.

In and after August 2007, the Accused expressed and implied that he had filed and timely filed and paid the necessary filing fees for Barquinero's non-provisional patent application with the USPTO.

128.

In and after August 2007, the Accused knowingly withheld material information and misled Barquinero concerning the filing and status of Barquinero's US non-provisional patent application.

129.

The Accused did not notify Barquinero that he had not filed the non-provisional patent application with the USPTO; that he had filed a PCT application contrary to Barquinero's express instructions; that he had not transmitted the filing fee to the USPTO or PCT; that he had

1 received and not responded to notices and requests for information and action from the USPTO
2 and the PCT concerning Barquinero's patent application; that Barquinero's provisional US
3 patent application had been deemed abandoned because the Accused failed to file the non-
4 provisional application with the USPTO; that the PCT application was deemed abandoned
5 because the Accused failed to submit the filing fee.

6 130.

7 The Accused failed to take reasonable steps to protect Barquinero's interests, including
8 giving reasonable notice to Barquinero, surrendering all papers and property to which
9 Barquinero was entitled, and refunding all unearned fees paid for services the Accused did not
10 perform.

11 131.

12 On or about March 7, 2008, Barquinero formally terminated the Accused's
13 representation, and requested his complete files and records, and an accounting for all funds
14 delivered to the Accused. The Accused did not respond.

15 132.

16 The aforesaid conduct of the Accused constituted neglect of a legal matter entrusted to
17 him; failure to keep a client reasonably informed and failure to comply with a client's requests
18 for information; failure to promptly deliver property the client is entitled to receive; failure to
19 withdraw when his continued representation would result in violation of the Rules of
20 Professional Conduct; failure to comply with obligations on termination of employment; failure
21 to account for clients funds and property; and dishonesty or misrepresentation, in violation of the
22 following standards of professional conduct established by law and by the Oregon State Bar:

- 23 (a) RPC 1.3;
24 (b) RPC 1.4(a);
25 (c) RPC 1.15-1(d);

1 (d) RPC 1.16(a)(1);

2 (e) RPC 1.16(d); and

3 (f) RPC 8.4(a)(3) of the Rules of Professional Conduct.

4
5 AND, for its EIGHTEENTH CAUSE OF COMPLAINT against the Accused, the Oregon
6 State Bar alleges:

7 133.

8 Realleges and incorporates by reference the allegations of paragraphs 119 through 131 of its
9 Seventeenth Cause of Complaint as if fully set forth herein.

10 134.

11 About March 10, 2008, Barquinero brought his concerns to the attention of the Bar. On
12 March 20, 2008, the Client Assistance Office (hereinafter, "CAO") referred Barquinero's
13 complaint to Disciplinary Counsel Office (hereinafter, "DCO") for investigation.

14 135.

15 On March 21, 2008, DCO requested the Accused's explanation and his production of certain
16 documents concerning the Barquinero matter by April 11, 2008. The Accused did not respond.

17 136.

18 While the subject of a disciplinary investigation, the Accused failed to respond to lawful
19 demands for information from the disciplinary authority, which is empowered to investigate or
20 act on the conduct of lawyers.

21 137.

22 The aforesaid conduct of the Accused violated the following standard of professional
23 conduct established by law and by the Oregon State Bar:

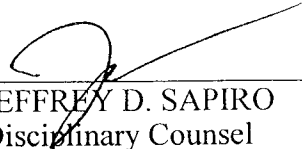
24 (a) RPC 8.1(a)(2) of the Rules of Professional Conduct.

25 ///

1 WHEREFORE, the Oregon State Bar demands that the Accused make answer to this
2 complaint; that a hearing be set concerning the charges made herein; that the matters alleged
3 herein be fully, properly and legally determined; and pursuant thereto, such action be taken as
4 may be just and proper under the circumstances.

5 EXECUTED this 6th day of May, 2008.

6 OREGON STATE BAR

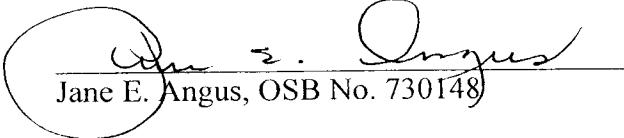
7
8 By: 
9 JEFFREY D. SAPIRO
Disciplinary Counsel

CERTIFICATE OF FILING

I hereby certify that I filed the foregoing FORMAL COMPLAINT and NOTICE TO
ANSWER on the 6th day of May, 2008, by delivering the original to:

Disciplinary Board Clerk
Oregon State Bar
16037 SW Upper Boones Ferry Road
Post Office Box 231935
Tigard, OR 97281-1935

Dated this 6th day of May, 2008.


Jane E. Angus, OSB No. 730148

1 IN THE SUPREME COURT
2 OF THE STATE OF OREGON

3 In re:

4 Complaint as to the Conduct of

5 GLENN C. BROWN,

6 Accused.

)
)
) Case Nos. 08-90, 08-91, 08-92

) FORMAL COMPLAINT
)
)
)

7
8 For its FIRST CAUSE OF COMPLAINT against the Accused, the Oregon State Bar
9 alleges:

10 1.

11 The Oregon State Bar was created and exists by virtue of the laws of the State of Oregon
12 and is, and at all times mentioned herein was, authorized to carry out the provisions of ORS
13 Chapter 9, relating to the discipline of attorneys.

14 2.

15 The Accused, Glenn C. Brown, is, and at all times mentioned herein was, an attorney at
16 law, duly admitted on September 27, 1991, by the Supreme Court of the State of Oregon to
17 practice law in this state, and a member of the Oregon State Bar, having his office and place of
18 business in the County of Deschutes, State of Oregon.

19 **Case No. 08-90**
20 **Scott Matter**

21 3.

22 In or prior to March 2006, Kim Scott (hereinafter, "Scott") retained the Accused
23 concerning the registration of a trademark for the logo and name of her new business with the
24 US Patent & Trademark Office (hereinafter, "USPTO"). The Accused required and Scott paid
25 \$1,700 in advance to the Accused for filing fees and all services necessary to complete the

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1 process. The Accused did not have a written fee agreement providing that funds paid in advance
2 were earned on receipt, and did not deposit and maintain Scott's funds in his lawyer trust
3 account.

4 4.

5 The Accused prepared Scott's trademark application and filed it with the USPTO on
6 March 22, 2006. About September 8, 2006, the USPTO notified the Accused that the registration
7 was refused because the specimen of record was a decorative or ornamental feature of the goods
8 and would not be perceived as a mark by the purchasing public. The USPTO also notified the
9 Accused that he could submit a response with evidence and arguments in support of registration
10 within six months of the USPTO's refusal notice. The Accused did not then provide a copy or
11 notify Scott of the USPTO notice.

12 5.

13 On October 16, 2006, Scott sent the Accused an e-mail message inquiring about the
14 status of her application. The Accused provided Scott a copy of the USPTO's September 8, 2006
15 refusal notification, but failed to provide any explanation. Scott expressed her concerns and
16 asked the Accused to respond to certain questions.

17 6.

18 Thereafter, the Accused represented to Scott that he would make the appropriate response
19 to the USPTO and would keep Scott informed. The Accused did not respond to Scott's questions
20 and thereafter took no action to respond to the USPTO's refusal notice.

21 7.

22 Between about late October 2006 through early March 2007, Scott sent e-mails and left
23 telephone messages for the Accused inquiring about the status of her trademark application. The
24 Accused did not respond until March 7, 2007, at which time he represented that he would
25 ///

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1 respond to Scott's inquiries "in a day or two." Thereafter, the Accused did not communicate with
2 Scott.

3 8.

4 On April 9, 2007, the USPTO sent notice of abandonment of Scott's trademark
5 application to the Accused. The Accused did not notify Scott.

6 9.

7 Between March 2007 and August 2007, Scott continued her efforts to communicate with
8 the Accused. The Accused did not respond until August 14, 2007. The Accused met with Scott
9 on August 20, 2007, and disclosed that he had not filed a response to the USPTO's refusal notice
10 or taken other action concerning the trademark application. On August 20, 2007, the Accused
11 represented to Scott that he would resubmit her trademark application. Thereafter, the Accused
12 took no action on Scott's behalf.

13 10.

14 After August 20, 2007 through March 2008, Scott continued her attempts to
15 communicate with the Accused. The Accused did not respond.

16 11.

17 After August 2006 through March 2008, the Accused:

- 18 (a) did not respond to USPTO's notices concerning Scott's trademark application;
- 19 (b) did not re-file Scott's trademark application;
- 20 (c) did not keep Scott reasonably informed about the status of her trademark
21 application;
- 22 (d) did not respond or timely respond to Scott's requests for information;
- 23 (e) did not adequately monitor Scott's case; and
- 24 (f) did not withdraw when his continued representation would result in violation of
25 the Rules of Professional Conduct.

12.

The Accused constructively withdrew from the representation and failed to take reasonable steps to protect Scott's interests, including giving reasonable notice to Scott, surrendering all papers and property to which Scott was entitled, and refunding all unearned fees paid for services the Accused did not perform.

13.

In March 2008, the Accused sent Scott a copy of what he represented were her files. The Accused also represented that he was scaling back his practice and that he knew of no immediate upcoming deadlines. The Accused's representations were false and misleading and the Accused knew they were false and misleading at the time he made them. The Accused knowingly failed to disclose to Scott that he had abandoned her case and had taken no action to pursue her trademark application.

14.

In April 2008, Scott requested a refund of the funds paid to the Accused. The Accused did not refund the funds or respond to Scott's requests.

15.

The aforesaid conduct of the Accused constituted neglect of a legal matter entrusted to him; failure to keep a client reasonably informed and failure to comply with a client's requests for information; failure to deposit and maintain client funds in trust; failure to promptly deliver property the client is entitled to receive as requested by the client; failure to withdraw when his continued representation would result in violation of the Rules of Professional Conduct; failure to comply with obligations on termination of employment; and conduct involving dishonesty and misrepresentation, in violation of the following standards of professional conduct established by law and by the Oregon State Bar:

(a) RPC 1.3;

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- 1 (b) RPC 1.4(a) and (b);
2 (c) RPC 1.15-1(a) and (c);
3 (d) RPC 1.15-1(d);
4 (e) RPC 1.16(a)(1);
5 (f) RPC 1.16(d); and
6 (g) RPC 8.4(a)(3) of the Rules of Professional Conduct.

7
8 AND, for its SECOND CAUSE OF COMPLAINT against the Accused, the Oregon State
9 Bar alleges:

10 16.

11 Realleges and incorporates by reference the allegations of paragraphs 1 through 14 of its
12 First Cause of Complaint as if fully set forth herein.

13 17.

14 Scott brought her concerns to the attention of the Client Assistance Office of the Bar
15 (hereinafter, "CAO"). About March 20, 2008, CAO referred the matter to the Disciplinary
16 Counsel's Office (hereinafter, "DCO") for investigation.

17 18.

18 On May 5, 2008, DCO requested the Accused's explanation and the production of certain
19 documents by May 26, 2008. The Accused did not respond. On June 2, 2008, DCO again requested
20 the Accused's explanation and production of certain documents by June 9, 2008. The Accused did
21 not respond.

22 19.

23 While the subject of a disciplinary investigation, the Accused failed to respond to lawful
24 demands for information from the disciplinary authority, which is empowered to investigate or
25 act on the conduct of lawyers.

20.

The aforesaid conduct of the Accused violated the following standard of professional conduct established by law and by the Oregon State Bar:

(a) RPC 8.1(a)(2) of the Rules of Professional Conduct.

AND, for its THIRD CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

**Case No. 08-91
Adams Matter**

21.

Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First Cause of Complaint as if fully set forth herein.

22.

In or about August 2001, William Adams (hereinafter, "Adams") retained the Accused to prepare and file a patent application and take related actions. Adams paid \$1,500 to the Accused in advance for services to be performed and the USPTO filing fee.

23.

The Accused prepared, and on January 29, 2002, filed Adam's initial patent application with the USPTO. In April 2003, the USPTO issued a non-final rejection of Adams' application and sent notice thereof to the Accused. On January 6, 2004, the Accused filed an amendment after final rejection and Adams' application was thereafter forwarded to an examiner for data verification review.

24.

On January 29, 2004, the USPTO sent notice of allowance of the application and fees due to the Accused. The notice required payment of a \$965 issue fee to the USPTO by April 30,

1 2004. On February 18 and March 3, 2004, the USPTO referred the application for publication.
2 On February 12, 2004, the Accused sent a copy of the notice to Adams, and asked him to
3 forward a check in the amount of \$1,065 for required fees and out of pocket costs.

4 25.

5 Thereafter, the Accused represented to Adams that he required additional funds for
6 USPTO fees. On March 24, 2004, Adams sent \$1,867.50 to the Accused for the USPTO issue
7 and other fees and costs the Accused represented were required.

8 26.

9 The Accused did not deposit and maintain the \$1,867.50 in his lawyer trust account; and
10 did not pay the required issue fee to the USPTO. The Accused knowingly converted the funds to
11 his own use and benefit.

12 27.

13 About June 11, 2004, the USPTO sent notice of abandonment of Adams' patent
14 application to the Accused because the issue fee had not been paid.

15 28.

16 About July 28, 2005, the Accused sent Adams a copy of a petition for revival of Adams'
17 patent application and asked Adams to send him an additional \$250 for the filing fee.

18 29.

19 The Accused represented to Adams that he had paid the issue fee required by the USPTO,
20 but the USPTO had lost it, and that he would file the petition for revival of Adams' patent
21 application. These representations were false and misleading, and the Accused knew they were
22 false and misleading at the time he made them.

23 30.

24 On September 16, 2005, Adams sent the additional \$250 filing fee for the revival
25 application to the Accused. The Accused did not deposit and maintain the funds in his lawyer

1 trust account and did not pay the funds to the USPTO. The Accused knowingly converted the
2 funds to his own use and benefit.

3 31.

4 Between about September 2005 and early 2008, Adams left messages for the Accused
5 requesting a response and information concerning his patent application.

6 32.

7 During the representation, the Accused:

- 8 (a) did not respond to USPTO's notices and requests for information and action;
- 9 (b) did not take action or timely take action to avoid the abandonment of the patent
10 application;
- 11 (c) did not file the petition for revival of Adams' patent application with the USPTO;
- 12 (d) did not notify Adams that he had not filed the petition for revival of Adams patent
13 application;
- 14 (e) did not pay the issue or revival fees to the USPTO;
- 15 (f) did not adequately monitor Adams' patent application;
- 16 (g) did not keep Adams reasonably informed about the status of his patent
17 application;
- 18 (h) did not respond or timely respond to Adams' requests for information;
- 19 (i) did not account for the funds Adams delivered to him; and
- 20 (j) did not withdraw when his continued representation would result in violation of
21 the Rules of Professional Conduct.

22 33.

23 The Accused constructively terminated his representation. The Accused failed to give
24 reasonable notice to Adams; failed to surrender all papers and property to which Adams was

25 ///

1 entitled; and failed to refund the funds Adams delivered for services he did not perform, costs he
2 did not incur, and fees he did not pay to the USPTO.

3 34.

4 In April 2008, Adams contacted the USPTO and was told that the Accused had not paid
5 the issue fee; had not filed a petition for revival of his patent application; had not paid the revival
6 fee; and that his application had been deemed abandoned.

7 35.

8 About April 2008, Adams requested an accounting and the return of the funds he paid to
9 the Accused. The Accused did not respond.

10 36.

11 The aforesaid conduct of the Accused constituted neglect of a legal matter entrusted to
12 him; failure to keep a client reasonably informed; failure to comply with a client's requests for
13 information; and failure to explain matters to the extent reasonably necessary to permit the client
14 to make informed decision concerning the representation; failure to deposit and maintain client
15 funds in trust; failure to account for client funds; failure to promptly deliver property the client is
16 entitled to receive; failure to withdraw when his continued representation would result in
17 violation of the Rules of Professional Conduct; failure to comply with obligations on termination
18 of employment; and conduct involving dishonesty and misrepresentation, in violation of the
19 following standards of professional conduct established by law and by the Oregon State Bar:

- 20 (a) DR 6-101(B) of the Code of Professional Responsibility,
- 21 (b) RPC 1.3;
- 22 (c) RPC 1.4(a) and (b);
- 23 (d) RPC 1.15-1(a) and (c);
- 24 (e) RPC 1.15-1(d);
- 25 (f) RPC 1.16(a)(1);

PAGE 9 - FORMAL COMPLAINT -- IN RE CONDUCT OF GLENN C. BROWN

1 (g) RPC 1.16(d); and

2 (h) RPC 8.4(a)(3) of the Rules of Professional Conduct.

3
4 AND, for its FOURTH CAUSE OF COMPLAINT against the Accused, the Oregon State
5 Bar alleges:

6 37.

7 Realleges and incorporates by reference the allegations of paragraphs 21 through 35 of its
8 Third Cause of Complaint as if fully set forth herein.

9 38.

10 About May 8, 2008, Adams brought his concerns to the attention of CAO. CAO referred
11 the matter to DCO for investigation. On May 20, 2008, DCO requested the Accused's
12 explanation and the production of certain documents by June 10, 2008. The Accused did not
13 respond.

14 39.

15 On June 11, 2008, DCO again requested the Accused's explanation and the production of
16 documents. The Accused did not respond.

17 40.

18 While the subject of a disciplinary investigation, the Accused failed to respond to lawful
19 demands for information from the disciplinary authority, which is empowered to investigate or
20 act on the conduct of lawyers.

21 41.

22 The aforesaid conduct of the Accused violated the following standard of professional
23 conduct established by law and by the Oregon State Bar:

24 (a) RPC 8.1(a)(2) of the Rules of Professional Conduct.

25 ///

1 AND, for its FIFTH CAUSE of Complaint against the Accused, the Oregon State Bar
2 alleges:

3 **Case No. 08-92**
4 **Alameda Matter**

5 42.

6 Realleges and incorporates by reference the allegations of paragraphs 1 and 2 of its First
7 Cause of Complaint.

8 43.

9 In early 2005, Robert Alameda (hereinafter, "Alameda") retained the Accused to prepare
10 and file a patent application and to take related actions to complete the process. Alameda paid
11 the Accused \$1,800 for a patent search and other services. The Accused did not deposit
12 Alameda's funds into his lawyer trust account or provide Alameda with a written report or other
13 information concerning any alleged patent search.

14 44.

15 About July 2005, the Accused represented to Alameda that he required an additional
16 \$3,050, which consisted of \$1,800 to prepare and attend to the filing of the patent application;
17 \$750 for professional drawings; and \$500 for the application filing fee. On July 31, 2005,
18 Alameda paid the Accused \$3,050 in advance for the future services, costs and filing fees. The
19 Accused did not have a written fee agreement providing that the funds were earned on receipt.
20 The Accused did not deposit and maintain the funds in a lawyer trust account.

21 45.

22 On August 9, 2005, the Accused filed Alameda's patent application. The Accused did not
23 review or seek Alameda's approval of the application before he filed it or provide Alameda with
24 a copy of the application after he filed it. The Accused paid only \$400 of the \$500 filing fee to

25 ///

1 the USPTO for Alameda's patent application and did not obtain and submit adequate or
2 professionally prepared drawings of Alameda's invention to the USPTO.

3 46.

4 On September 15, 2005, the USPTO sent notice to the Accused that Alameda's patent
5 application was deficient because he had not paid the full filing fee and had not submitted
6 adequate or professionally prepared drawings. The USPTO notified the Accused that an
7 additional \$100 and proper drawings had to be submitted to the USPTO within two months. The
8 Accused took no action, and the USPTO thereafter deemed the application abandoned. The
9 USPTO sent notice of the abandonment to the Accused.

10 47.

11 The Accused knowingly failed to disclose to Alameda that he had taken no action to
12 comply with the USPTO notice and that the USPTO deemed Alameda's application abandoned.

13 48.

14 From time to time, Alameda requested information from the Accused concerning his
15 application and its status. The Accused represented to Alameda that everything had been taken
16 care of, and everything was "OK." The Accused's representations were false and misleading and
17 he knew they were false and misleading when he made them.

18 49.

19 During the representation, the Accused expressed and implied that he had taken action to
20 protect Alameda's interests. The Accused's representations were false and misleading and he
21 knew they were false and misleading when he made them. The Accused knowingly failed to
22 disclose material information to Alameda concerning the sufficiency of Alameda's patent
23 application and the Accused's inaction thereon.

24 ///

25 ///

1 50.

2 In and between 2005 and late 2007, the Accused:

- 3 (a) did not keep Alameda reasonably informed about the status of his application;
- 4 (b) did not seek Alameda's approval of the application and other documents
- 5 submitted with the application prior to submitting it to the USPTO;
- 6 (c) did not respond or timely respond to Alameda's requests for information;
- 7 (d) did not respond to USPTO's notices;
- 8 (e) did not pay required fees to the USPTO;
- 9 (f) did not obtain and submit adequate and professionally prepared drawings to the
- 10 USPTO;
- 11 (g) did not adequately monitor Alameda's application; and
- 12 (h) did not withdraw when his continued representation would result in violation of
- 13 the Rules of Professional Conduct.

14 51.

15 The Accused constructively terminated his representation. The Accused failed to give

16 reasonable notice to Alameda; failed to surrender all papers and property to which Alameda was

17 entitled; and failed to refund the funds Alameda delivered to him for services he did not perform,

18 costs he did not incur, and fees he did not pay to the USPTO.

19 52.

20 In December 2007, Alameda contacted the Accused. The Accused represented to

21 Alameda that he would re-do the drawings, take care of everything, and re-contact Alameda the

22 following Monday. Thereafter, the Accused took no action concerning Alameda's patent

23 application and did not communicate with Alameda.

24 ///

25 ///

1 53.

2 In January 2008, the Accused sent Alameda a copy of what he represented were his files.
3 The Accused also represented to Alameda that he was scaling back his practice and that he knew
4 of no immediate upcoming deadlines. The Accused's representations were false and misleading
5 and the Accused knew they were false and misleading at the time he made them. The Accused
6 did not disclose to Alameda that he had taken no action concerning his patent application since it
7 was first filed and that the USPTO had deemed the application abandoned. The Accused did not
8 return the funds Alameda paid in advance for services the Accused did not perform, costs he did
9 not incur, and fees he did not pay to the USPTO.

10 54.

11 Alameda requested an accounting of the funds he delivered to the Accused. The Accused
12 did not provide an accounting or respond to Alameda's request. The Accused knowingly
13 converted to his own use and benefit Alameda's funds paid for services the Accused did not
14 perform, costs he did not incur, and fees he did not pay to the USPTO.

15 55.

16 The aforesaid conduct of the Accused constituted neglect of a legal matter entrusted to
17 him; failure to keep a client reasonably informed; failure to comply with a client's requests for
18 information; failure to explain matters to the extent reasonably necessary to permit the client to
19 make informed decision concerning the representation; failure to deposit and maintain client
20 funds in trust; failure to account for client funds; failure to promptly deliver property the client is
21 entitled to receive; failure to withdraw when his continued representation would result in
22 violation of the Rules of Professional Conduct; failure to comply with obligations on termination
23 of employment; and conduct involving dishonesty and misrepresentation, in violation of the
24 following standards of professional conduct established by law and by the Oregon State Bar:

25 (a) RPC 1.3;

- (b) RPC 1.4(a) and (b);
- (c) RPC 1.15-1(a) and (c);
- (d) RPC 1.15-1(d);
- (e) RP 1.16(a)(1);
- (f) RPC 1.16(d); and
- (g) RPC 8.4(a)(3) of the Rules of Professional Conduct.

AND, for its SIXTH CAUSE OF COMPLAINT against the Accused, the Oregon State Bar alleges:

56.

Realleges and incorporates by reference the allegations of paragraphs 42 through 54 of its Fifth Cause of Complaint as if fully set forth herein.

57.

About May 19, 2008, Alameda brought his concerns to the attention of CAO. On May 21, 2008, CAO referred the matter to DCO for investigation. On May 22, 2008, DCO requested the Accused's explanation and the production of documents by June 12, 2008. The Accused did not respond.

58.

On June 13, 2008, DCO again requested the Accused's explanation and production of documents by June 20, 2008. The Accused did not respond.

59.

While the subject of a disciplinary investigation, the Accused failed to respond to lawful demands for information from the disciplinary authority, which is empowered to investigate or act on the conduct of lawyers.

///

The aforesaid conduct of the Accused violated the following standard of professional conduct established by law and by the Oregon State Bar:


(a) RPC 8.1(a)(2) of the Rules of Professional Conduct.

WHEREFORE, the Oregon State Bar demands that the Accused make answer to this complaint; that a hearing be set concerning the charges made herein; that the matters alleged herein be fully, properly and legally determined; and pursuant thereto, such action be taken as may be just and proper under the circumstances.

EXECUTED this 18th day of July, 2008.

OREGON STATE BAR

By:

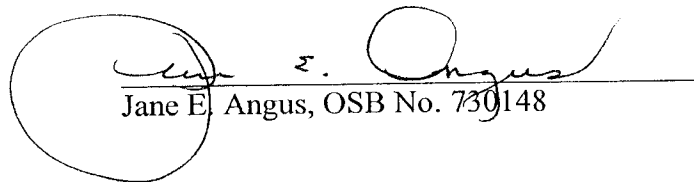

JEFFREY D. SAPIRO
Disciplinary Counsel

CERTIFICATE OF FILING

I hereby certify that I filed the foregoing FORMAL COMPLAINT and NOTICE TO ANSWER on the 18th day of July, 2008, by delivering the original to:

Disciplinary Board Clerk
Oregon State Bar
16037 SW Upper Boones Ferry Road
Post Office Box 231935
Tigard, OR 97281-1935

Dated this 18th day of July, 2008.


Jane E. Angus, OSB No. 730148